IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 14090 of 2004

Between:

1 Smt. Balagani Koteshwaramma, W/o Chandra Mouli,
aged about 45 years,R/o Nadimpalle, Kavali Rural Mandal,

Nellore District.
2 Smt. Balagani Venkata Subbamma, W/o Peraiah,
aged about 60 years, R/o Nadimpalle, Kavali Rural Mandal,

Nellore District.
3 Pamanji Seshaiah, s/o Pothaiah,
aged about 50 years,R/o Badimpalle Village, Kavali Rural mandal,

Nellore District.
4 Pamanji Papaiah, S/o Seshaiah,
aged about 50 years, R/o Nadimpalle, Kavali Rural Mandal,

Nellore District.
5 Balagani Subba Rao, S/o Ramaswamy,
aged about 60 years, R/o Nadimpalle, Kavali Rural Mandal,

Nellore District.
6 Smt. Doddala Ramanamma, W/o Subba Rao,
aged about 50 years, R/o Nadimpalle, Kavali Rural Mandal,

Nellore District.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Kavali Rural Mandal, Kavali,
Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or Order or direction under Article 226 of the Constitution of India, particularly one in the nature of Writ of Mandamus, directing the respondents herein not to interfere with the possession and enjoyment of the petitioners herein of their lands in an extent of Ac.3-03 cents, Ac.2-02 Cents, Ac.2-00 Cents, Ac.3-00 Cents, Ac.1-01 Cents and 2-02 Cents respectively in Survey No.1635, 1641 and 1640 of Nadimpalle Village, Hamlet of Thumalapenta Village, Kavali Rural Mandal, Nellore District, A.P.after calling for the records.

Counsel for the Petitioners: MR.NUTHALAPATI KRISHNA MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

The petitioners herein were assigned agricultural lands in May, 1994. It is their case that they have taken possession of the land, dug bore wells and have been raising ground nut and other crops. It is their allegation that the first respondent came to the land on 20-07-2004 and informed that pattas issued to the petitioners would be cancelled and that they were asked not to enter the land. Apprehending that respondents might take coercive steps for eviction of the land, they invoked the jurisdiction of this Court under Article 226 of the Constitution of India.

A reading of the affidavit and the material papers annexed to the writ petition would show that the petitioners filed writ petition on mere apprehension. However, it is observed that if the petitioners' pattas are to be cancelled for any reason or the petitioners are to be evicted, the respondents have to follow due process of law as provided under the Land Encroachment Act, 1905 or A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 or A.P.Land Grabbing (Prohibition) Act, 1982 or the relevant Board Standing Orders and without notice petitioners cannot be evicted. These observations would safeguard the interests of the petitioners.

The writ petition, with the above observations, is disposed of.

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V.V.S.RAO, J

10.08.2004

vs

To

1 The Mandal Revenue Officer, Kavali Rural Mandal, Kavali,
Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.

3 Two CCs to the G.P for Revenue, High Court Buildings, Hyderabad.(O.U.T).

4 Two CD copies.

HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION NO.14090 OF 2004

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Dated: 10-08-2004